

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

MICHAEL W. RONDINI,)
as Administrator and Personal)
Representative for the Estate of)
MEGAN ELIZABETH RONDINI,)
Deceased,)

Plaintiff,)

v.)

TERRY J. BUNN, JR.,)

Defendant.)

CASE NO.:
7:17-CV-01114-RDP

**DEFENDANT'S MOTION TO CERTIFY QUESTION FOR SUBMISSION
TO ALABAMA SUPREME COURT
PURSUANT TO ALABAMA RULE OF APPELLATE PROCEDURE 18**

COMES NOW Terry J. Bunn, Jr. ("Bunn"), defendant in the above-styled action, and in compliance with this court's Order dated January 13, 2020, moves the court to certify the attached question of law for submission to the Alabama Supreme Court pursuant to *Alabama Rule of Appellate Procedure* 18. As grounds for this motion, Bunn states as follows:

1. This federal court action involves a question or proposition of law of this State which is determinative of said action for which there is no clear, controlling precedent in the decisions of the Alabama Supreme Court. In such circumstance,

said question or proposition of law may be certified to the Alabama Supreme Court for instruction and answer. *Ala. R. App. Proc.* 18(a).

2. *Alabama Rule of Appellate Procedure* 18 governs certified questions from federal courts to the Alabama Supreme Court.

3. Under Rule 18(c), the federal court, on its own, or any interested party, may move to certify a question or proposition of law to be submitted to the Alabama Supreme Court.

4. In this action, there is no clear, controlling Alabama precedent which directly answers the question set forth in Exhibit "A" attached to this motion. Bunn avers resolution of this question will be determinative of said action.

5. Pursuant to this court's order, counsel for Bunn has conferred with counsel in this action regarding proposed certified question(s) for submission to the court. The results of the conferences are as follows: (a) Bunn opposes Plaintiff's proposed certified questions, (b) although Bunn does not oppose Sheriff Abernathy raising proposed certified questions, Bunn does not waive the right to oppose, contest or in any way object to any factual averment which is set forth in Sheriff Abernathy's proposed certified questions.

WHEREFORE, Bunn moves this court to certify the question set forth in Exhibit "A" attached hereto for submission to the Alabama Supreme Court pursuant to *Alabama Rule of Appellate Procedure* 18.

s/ Richard E. Smith

Richard E. Smith (ASB-6536-M69R)

Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that I have this date, February 4, 2020, using the CM/ECF filing system which will send electronic notification of such filing, served a copy of the foregoing pleading upon all counsel of record:

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